

Application No.: 09/588,350

Docket No.: 20162-00557-US

REMARKS

The Office Action and prior art relied upon have been carefully considered. In an effort to expedite the prosecution claims 1 and 3 are being amended and the following remarks distinguish the claims from the cited prior art.

The claimed invention provides a system including user terminal units, account units and issuer units on a communication network. Each of the account units is adapted to store electronic rights information issued by an issuer unit to a user corresponding to the account unit, and when executing the rights, the user can safely extract the electronic rights information from the user's account unit designated by an address. The present invention processes transactions on a one to one basis between single issuers and users. It does not provide a system that includes a central controller which implements conditional purchases as in the Walker patent. In Walker, after payment is guaranteed, the guaranteed purchase offer is then made available to a plurality of potential sellers by posting the offer using the web site linked to central controller 200. Periodic maintenance is performed by central controller 200 to ensure that "active" offers have not expired. A potential seller can use the Walker system to browse offers and submit an electronic acceptance of a desirable offer.

According to the Walker patent, there is shown a central controller which deals with the reselling of tickets and anyone who knows the address of the central controller can access the central controller. Whereas, in the present invention, account units on the network are provided in correspondence with users, and each account unit is accessible only by those units which are given an address of the account unit by the user. That is, in the present invention, there is a process of transmitting a user's account address to an issuer unit as recited in step (a) of claim 1 so that the issuer unit can transmit the electronic rights information to the user's account unit or process of transmitting user's account address to a ticket examiner unit as recited in step (a) of claim 3 so that the ticket examiner unit can access the account unit for the electronic rights information to be

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examined. The present invention differs from Walker's system in both the problem to be solved and the arrangement to be implemented.

Claim 1 is directed to procedures for issuance of electronic rights information, while the invention of claim 3 is directed to procedures for consumption of electronic rights information. That is, claim 1 relates to issuance of electronic ticket and claim 3 relates to consumption of electronic tickets. Applicant wishes to emphasize that the electronic rights information is electronic authentication by which the issuer of the electronic rights information guarantees the user to exercise the rights as can be understood from the description on page 14, line 23 to page 15, line 4 of the present specification. Therefore, it is necessary that electronic rights information (i.e., electronic ticket) bears the issuer's signature as exemplified in Fig. 5 of the present application and described on page 16, line 27 to page 17, line 3.

In contrast, the description at col. 4, lines 62-67 and col. 5, lines 1-4 in the Walker patent concerns the customer table 530 shown in Fig. 5C. The table in Fig. 5C includes such items as "customer ID", "name", "address", "credit card number", "expiration date", and "card holder". These items do not have features that match the above mentioned features of the electronic rights information. Therefore, the customer table 530 in Fig. 5C of the Walker patent is completely different from the user account unit according to the present invention.

The description in Walker, from col. 7, line 58 to col. 8, line 62 relates to ticket reselling service and, particularly, describes a guaranteed purchase offer backed by a pre-authorized credit card transaction. The central controller acts as a ticket reseller and ensures credibility of a buyer by the buyer's credit card and credibility of a seller by the seller's credit card (col. 7, lines 65-67 and col. 8, lines 9-12). From col. 7, line 58 to col. 8, line 25, there is no description about such operation by the controller for accessing an account unit corresponding to the account address as is accomplished by operations recited in the present claims 1 and 3. The description at col. 8, lines 26-41 relates to acquisition of user ID (buyer ID or seller ID) by the central controller where the user does

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not have an ID or has forgotten it. The ID thus obtained is transferred to the user. There is no description related to an issuer unit accessing a user account unit.

The description at col. 4, lines 62-67 and col. 5, lines 1-7 with reference to Fig. 5c relates to the customer table 530 as mentioned above. The table 530 stores customer identifiers each assigned to a user during a registration process and serves to ensure the credibility of a customer. The credit card number stored in record 546 can be accessed by using the customer ID 532 as an address. This corresponds to accessing a user identifier in the invention by using an account address (present claim 1 and 3). The corresponding credit card number in the Walker patent can be obtained as a user identifier as is obtained in the present invention of claim 1. That is, each row in the customer table 530 may be construed as a user's account unit. However, there is no description about the central controller either obtaining customer identifier from the table 530 or preparing electronic rights information inclusive of an issuer's or a transferrer's signature.

Although the customer table 530 includes user identifiers, the table 530 does not include electronic ticket information (i.e., electronic rights information). A user may transmit a user ID and an offer of purchase to the central controller (Fig. 7c, step 712 and Fig. 7b, step 718), and the central controller accesses a customer table to obtain the user's credit card number to check credibility of the user.

If the Examiner regards the credit card number as the electronic rights information, then the credit card number does not include a user identifier and the credit card number is not an object to be sold. In the Walker system, electronic tickets to be sold are stored in the OFFER TABLE 550 shown in Fig. 5d.

The description at col. 7, lines 58-67 and col. 8, lines 1-62 teaches nothing about the central controller transmitting electronic rights information to the account unit, and the description at col. 4, lines 4, lines 62-65 and col. 5, lines 1-7 does not show the account unit storing the electronic rights information.

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Regarding the newly added limitation to claim 3, the description at col. 8, lines 10-25 relates to processes for checking on credibility of the seller and if satisfied, voiding the ticket and assigning a replacement ticket number. The description at col. 8, lines 26-67 relates to obtaining a customer identifier and has nothing to do with ticket examination. Particularly, the processes in steps 706, 708 and 710 in Fig. 7a relate to issuance or transmission of an ID when a user does not have a customer ID or when the user does not remember his customer ID. In the latter case step 710 checks to determine whether the information provided by the user matches information already stored, the ID is retrieved and transmitted to the user (col. 8, lines 43-59). The check on the user information in the Walker patent has nothing to do with the check on the validity of an electronic ticket (i.e., electronic rights information) in the present invention.

Dependent claim 2 is directed to the procedure for preparing electronic rights information of step (d) in claim 1. From Walker, in col. 7, line 65 to col. 8, line 3, it is described that "upon receiving the offer, central controller 200 contacts the buyer's credit issuer to ensure that the buyer has a valid credit card account and/or sufficient credit to pay for the requested tickets", and at col. 8, lines 10-13, it is described that central controller 200 processes the acceptance and contacts the seller's credit card issuer to ensure that there is sufficient credit to cover a potential penalty for non-performance". Thus, the controller has to contact the credit card issuer. On the other hand, in the present invention of claim 2, certification which guarantees a relationship between the user identifier and the account address is sent to the controller for verification.

The Examiner's reference to the particular terms "electronic acceptance or certificate" in the Walker patent seems to suggest correspondence to the "certificate" in claim 2. However, in the Walker patent, the "electronic acceptance" (col. 8, line 7) is a seller's mere indication for accepting an offer and does not relate to a certificate.

Accordingly, the Walker patent fails to completely anticipate the claimed invention as required by section 102(e).

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Anticipation requires the disclosure, in a prior art reference, of each and every limitation as set forth in the claims. *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 USPQ2d 1081 (Fed. Cir. 1986); *Akzo N.V. v. U.S. International Trade Commissioner*, 1 USPQ2d 1241 (Fed. Cir. 1986). There must be no difference between the claimed invention and reference disclosure for an anticipation rejection under 35 U.S.C. § 102. *Scripps Clinic and Research Foundation v. Genetech, Inc.*, 18 USPQ2d 1001 (Fed. Cir. 1991); *Studiengesellschaft Kohle GmbH v. Dart Industries*, 220 USPQ 841 (Fed. Cir. 1984).

In view of the above, consideration and allowance are, therefore, respectfully solicited.

Applicant's attorney requests a interview with the Examiner to advance the prosecution.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185.

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Respectfully submitted,

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